

REMARKS

Claims 21 – 40 and 50 – 56 are currently pending in the Application. Claims 21, 26, 31, 36 and 54 have been amended. Claims 1 – 20 and 41 – 49 were cancelled in a previous amendment. Support for the amendments to claims 21, 26, 31, 36 and 54 may be found, for example, in the specification at page 6, lines 4 – 12. Accordingly, no new matter has been added to the application by the foregoing amendments.

Examiner Interview

Applicants and the undersigned thank Examiner Divecha for the courtesies extended during a phone interview conducted on October 21, 2008, to discuss the present application and Office Action. During the Interview, previously faxed proposed claim amendments to claims 21, 26, 31, 36 and 54 were discussed. Applicants also explained the reasons as to why the amended claims overcome the Examiner's prior art rejections. Such reasons are detailed below.

As a result of the Interview, the Examiner acknowledged that the proposed amendments overcame the prior art rejection. The amendments submitted herewith are unchanged from the proposed amendments discussed with the Examiner during the Interview.

Claim Rejections – § 102(e)

Claims 54 – 56 are rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,724,403 to Santoro et al. (hereinafter "Santoro").

For a rejection under § 102 (e) to be proper, a reference must disclose, either explicitly or inherently, each and every element of the claimed invention. Applicants respectfully submit that Santoro does not teach each and every element recited in independent claim 54.

Independent claim 54, as amended, recites, in relevant part:

...enabling access to the plurality of picture files via a website
hosted by a wireless service provider, wherein the wireless service
provider provides services for the cellular phone; ...

At page 7 of the Office Action and in response to Applicants' previous arguments, the Examiner argues that, "the claim merely recites providing a website/webpage by a wireless service provider, which is equivalent to transferring the website and/or webpage through the WSP." In response, Applicants have amended independent claim 54 to recite "a website hosted by a wireless service provider" to clarify the claimed subject matter. As explained above, the Examiner agreed that this claim element, as amended, is not found in Santoro. Rather, Santoro teaches an Internet service provider allowing access to a website. As such, each and every element of claim 54 is not disclosed by Santoro.

Dependent claims 55 and 56 are allowable at least by their dependency on independent claim 54. Reconsideration and withdrawal of the Examiner's §102(c) rejection are respectfully requested.

Claim Rejections – § 103(a)

Claims 21-22, 24-27, 29-49 and 50 – 53 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Santoro in view of Heather McDaniel, PalmPower Review, Album to Go software (hereinafter "McDaniel"), and further in view of U.S. Patent No, 6,970,859 to Breachner et al. (hereinafter "Breachner"). Claims 23 and 28 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Santoro in view of McDaniel, in view of Breachner, and further in view of U.S. Patent No, 6,360,252 to Rudy et al. (hereinafter "Rudy"). Applicants respectfully traverse this rejection.

Claim 21 recites:

A method of accessing a picture file received from a
cellular telephone, said method comprising the steps of:
receiving said picture file at said cellular telephone;
simultaneously displaying a plurality of picture files on a
display of said cellular telephone;

enabling a first user to change information displayed with said received picture file by way of a user interface on said cellular telephone;

providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone;

enabling the first user to separately select a selection option for each picture file of said plurality of picture files;

displaying a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files;

enabling access by said first user, remote from said cellular telephone by way of a webpage hosted by a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed; and

enabling a second user to separately select a selection option associated with each picture file of said plurality of picture files displayed on said webpage by way of said webpage.

The combination of Santoro, McDaniel and Breachner does not teach or suggest each and every element of independent claim 21. Most notably, the combination does not teach, “enabling access by said first user, remote from said cellular telephone by way of a webpage hosted by a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed.” As discussed above with respect to the Examiner’s anticipation rejection, as well as discussed in the October 21, 2008, Interview, in claim 21 (as well as the other independent claims), Santoro does not teach a website that is hosted by a wireless service provider.

Furthermore, the prior art as combined does not teach or suggest, “providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone.” The Examiner argues that McDaniel “explicitly discloses a software ... that provides a separate selection option for each picture file of said plurality of picture files **when said plurality of picture files [are] displayed on a handheld device.**” (Office Action, pages 16-17). The Examiner

cites pg. 2, Figs. B and C of McDaniel in support of this notion. The Examiner states that “applicant fails to see the separate selection options for each picture file, e.g. picture file KIDS is associated with separate selection options.” (Office Action, page 10). Applicants respectfully disagree. In Figs. B and C of McDaniel, no *picture files* are displayed, but rather, only *references* to picture files. Since no picture files are displayed, McDaniel cannot possibly teach, “providing a separate selection option for each picture file of said plurality of picture files **when said plurality of picture files is displayed** on said cellular telephone.” McDaniel does show options for a plurality of references to picture files. Throughout prosecution and in all other elements of claim 21, both the Examiner and the applicants have read the term “picture file” in the only logical way: a “picture file” is the actual picture and not simply a reference to a picture. For example, when considering the element, “simultaneously displaying a plurality of picture files on a display of said cellular telephone,” the Examiner appropriately refers to a figure where a plurality of pictures are visible to a user, and not a figure of textual references to picture files. As such, Applicants are unsure how McDaniel can be viewed as “providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed,” when McDaniel does not even contain a selection option for even a single picture file. Accordingly, Applicants respectfully submit that the proposed combination, even if proper, of Santoro, McDaniel, and Breachner does not teach or suggest all elements of independent claim 21.

Similarly, independent claims 26 and 31 recite “of a webpage hosted by a wireless service provider” and “providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone.” Independent claim 36 recites, “a webpage hosted by a wireless service provider.” For the same reasons discussed above with respect to independent claim 21, these elements are not taught by the combination of Santoro, McDaniel, and Breachner.

In addition, for the same reasons set forth in Applicants’ previous Amendments, Applicants respectfully submit that the proposed combination is improper. Accordingly, independent claims 21, 26, 31, 36 and 54 are believed to be allowable over the proposed combination of Santoro, McDaniel and Breachner. Dependant claims 22-25, 27-30, 32-

35 and 37-40, 50 – 53 and 55 – 56 are believed to be allowable at least by their dependency on independent claims 21, 26, 31, 36 and 54, respectively.

Reconsideration and withdrawal of the Examiner's §103(a) rejections are respectfully requested.

Conclusion

In view of the forgoing amendments and remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 21 – 40 and 50 – 56, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and a Notice of Allowance are respectfully requested.

Respectfully submitted,

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